

04-01-09

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dougan H. Clarke
Serial No.: 10/748,755
Patent No.: 7,318,444
Granted: January 15, 2008

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate
APR 03 2009
of Correction

Dear Sir:


CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY that this correspondence is being deposited by United States Express Mail, Label No. EM-211-526-861-US, in an envelope addressed to: *Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450*, this 31st day of March, 2009.

Respectfully submitted,

MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
(305) 858-8000

By:


Jennie S. Malloy
Reg. No. 37,667

Date:

3/31/09

APR 03 2009



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dougan H. Clarke

Serial No.: 10/748,755

Patent No.: 7,318,444

Granted: January 15, 2008

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129

Attn: Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 CFR 1.322**

Upon reviewing the above-identified United States Letters Patent, namely, U.S. Patent No. 7,318,444, the undersigned attorneys for the Patentee respectfully request that a Certificate of Correction be entered in order to correct an error by the U.S. Patent and Trademark Office, in accordance with 37 C.F.R. § 1.322 and 35 U.S.C. § 254. Specifically, it has only recently come to the undersigned's attention that a clerical error appears in claim 12, column 10, lines 10-12 of the aforesaid U.S. Pat. No. 7,318,444, due to the PTO's inadvertent reproduction of prior lines (i.e., those at column 10, lines 3-5) appearing in this claim.

The aforesaid error is identified on the attached PTO/SB/44 form, and is unequivocally supported by the Notice of Allowability & Examiner's Amendment, dated September 17, 2007, and the Applicant's Amendment, dated July 18, 2007, copies of which are

APR 03 2009

enclosed herewith for convenient reference. On these documents, the aforesaid claim 12 appearing in the issued U.S. patent is the same as that numbered claim 14 in the application and above Amendment, and modified by the above-noted Examiner's Amendment.

In the event that any fee may be required by the filing of this paper, the Commissioner is hereby authorized to charge any fees and/or credit to our **Deposit Account No. 13-1227.**

Respectfully submitted,

MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
(305) 858-8000

By: 

Jennie S. Malloy
Reg. No. 37,670

Date: 3/31/09

APR 03 2009

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,318,444

APPLICATION NO.: 10/748,755

ISSUE DATE : January 15, 2008

INVENTOR(S) : Dougan H. Clarke

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 10, lines 10-12, the phrase "said channel being defined by an upper ledge and a lower ledge projected outwardly from said exterior periphery surface of said hub member" should be deleted, such that column 10, lines 9-13 read as follows:

said plurality of brackets pivotally connected to end
portions of a plurality of strut members of the umbrella frame.

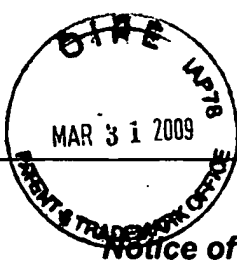
MAILING ADDRESS OF SENDER (Please do not use customer number below):

Malloy & Malloy, P.A.
2800 S.W. Third Avenue
Miami, Florida 33129

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

APR 03 2009



COPY

Notice of Allowability

Application No.

10/748,755

Examiner

Winnie Yip

Applicant(s)

CLARKE, DOUGAN H.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed July 20, 2007.
2. ☒ The allowed claim(s) is/are 1,3,4 and 12-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Jennie Malloy on September 11, 2007.

2. The application has been amended as follows:

Claims 7-11 are cancelled as directed to a non-elected invention.

In claim 12:

Line 13, deleted the phrase of "to pivotally receive a first end of a strut member of the umbrella frame--.

Line 22, changed "said main hub member" to --said brackets on said main hub member respectively--.

In claim 14:

Between lines 11 and 12, inserted a new line: --said channel being defined by an upper ledge and a lower ledge projected outwardly from said exterior periphery surface of said hub member, --.

In claim 18:

Line 3, before "exterior", changed "an" to --said --.

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In claim 19:

Lines 3-5, after "hub member" deleted the phrase: "and is at least partially defined by a lower ledge extending along a length of said channel".

In claim 21:

Line 2, changed "further comprising an" to -- wherein said --.

Allowable Subject Matter

3. Claims 1, 3-4, and 12-28 are allowed.

Drawings

4. The drawings were received on July 20, 2007. These drawings are approved by the examiner.

Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip
Primary Examiner
Art Unit 3636

wsy
September 11, 2007

APR 03 2009



2/6

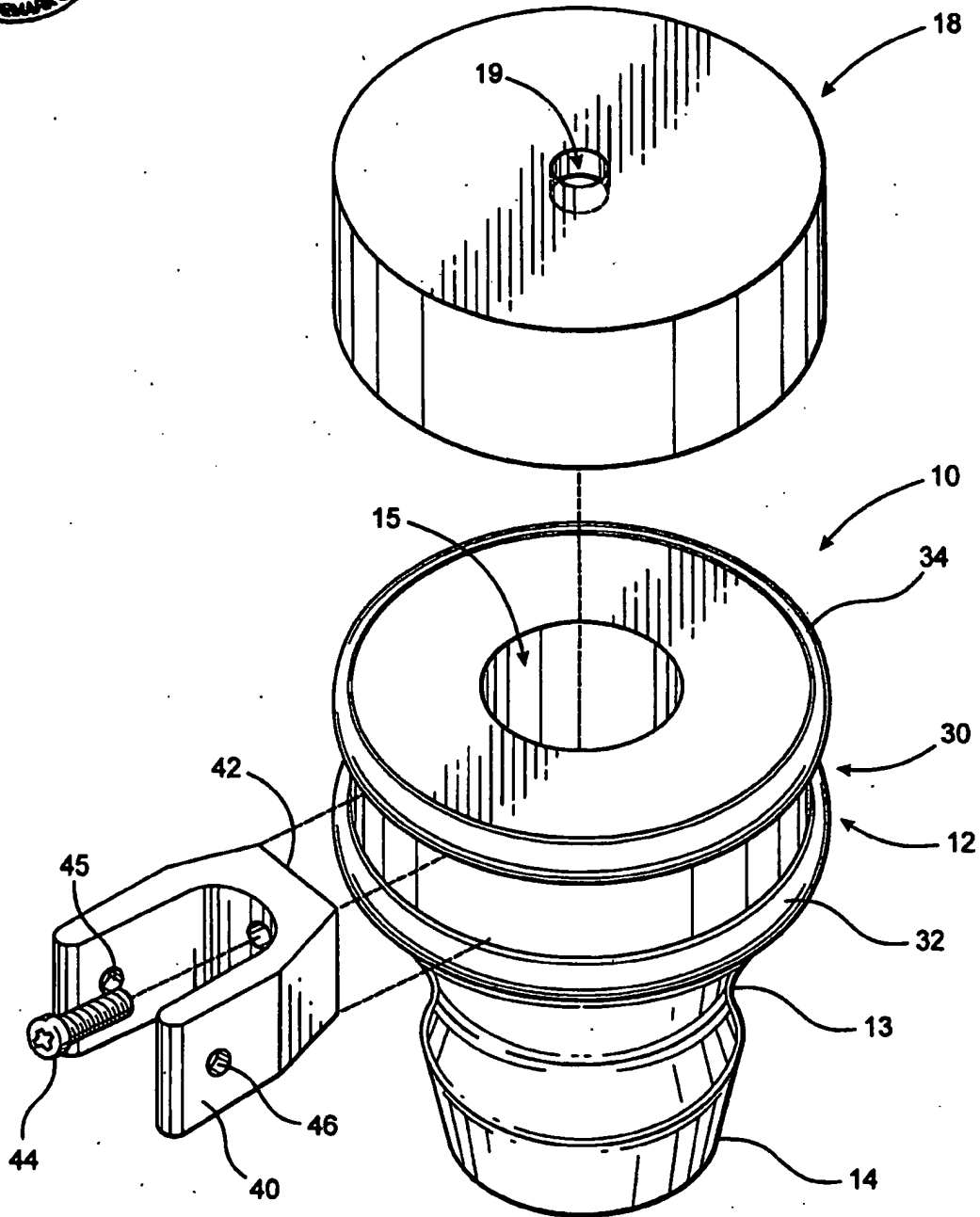


FIG. 2

APR 03 2009

*Approved
by 9/10/07*

Application No. 10/748,755
Office Action dated July 18, 2007
Reply to Office Action dated April 18, 2007
Replacement Sheet

4/6

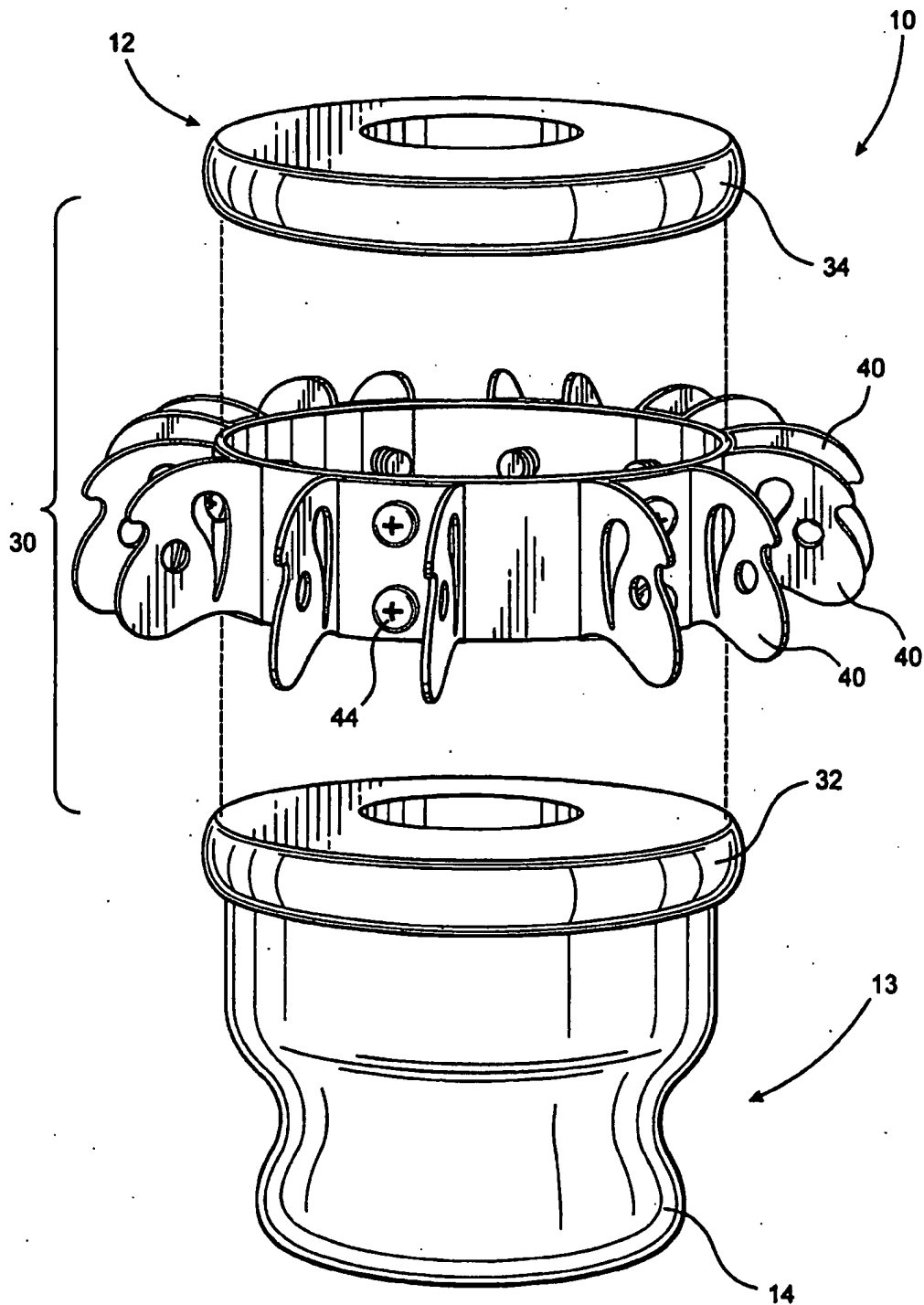


FIG. 3B

APR 03 2009



UNITED STATES PATENT AND TRADEMARK OFFICE


UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

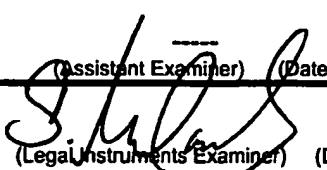


BIB DATA SHEET

CONFIRMATION NO. 2743

SERIAL NUMBER 10748,755	FILING or 371(c) DATE 12/30/2003 RULE	CLASS 135	GROUP ART UNIT 3636	ATTORNEY DOCKET NO. 1.221.02		
APPLICANTS Dougan H. Clarke, Miami Beach, FL; ** CONTINUING DATA ***** <i>OK</i> This appln claims benefit of 60/437,103 12/30/2002 ** FOREIGN APPLICATIONS ***** <i>None</i> ** IF REQUIRED, FOREIGN FILING LICENSE GRANTED ** SMALL ENTITY ** 05/06/2004						
Foreign Priority claimed <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 35 USC 119(a-d) conditions met <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Verified and Acknowledged <u>WINNIE S YIP/</u> Examiner's Signature		<input type="checkbox"/> Met after Allowance Initials	STATE OR COUNTRY FL	SHEETS DRAWINGS 5	TOTAL CLAIMS 12	INDEPENDENT CLAIMS 4
ADDRESS MALLOY & MALLOY, P.A. 2800 S.W. Third Avenue Historic Coral Way Miami, FL 33129 UNITED STATES						
TITLE Hub assembly for an umbrella frame						
FILING FEE RECEIVED 818	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:			<input type="checkbox"/> All Fees		
				<input type="checkbox"/> 1.16 Fees (Filing)		
				<input type="checkbox"/> 1.17 Fees (Processing Ext. of time)		
				<input type="checkbox"/> 1.18 Fees (Issue)		
				<input type="checkbox"/> Other _____		
			<input type="checkbox"/> Credit			

APR 03 2009

Issue Classification 	Application/Control No.		Applicant(s)/Patent under Reexamination	
	10/748,755		CLARKE, DOUGAN H.	
	Examiner		Art Unit	
	Winnie Yip		3636	

ISSUE CLASSIFICATION											
ORIGINAL					CROSS REFERENCE(S)						
CLASS		SUBCLASS			CLASS	SUBCLASS (ONE SUBCLASS PER BLOCK)					
135		29			135	28					
INTERNATIONAL CLASSIFICATION					403	172	217				
A	4	5	B	25/06							
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 (Assistant Examiner) (Date)					 WINNIE YIP PRIMARY EXAMINER 9/12/2007 (Primary Examiner) (Date)					Total Claims Allowed: 20	
										O.G. Print Claim(s)	O.G. Print Fig.
 (Legal Instruments Examiner) (Date)										1	1

<input type="checkbox"/> Claims renumbered in the same order as presented by applicant		<input type="checkbox"/> CPA		<input type="checkbox"/> T.D.		<input type="checkbox"/> R.1.47	
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Index of Claims



Application/Control No.

10/748,755

Examiner

Winnie Yip

Applicant(s)/Patent under Reexamination

CLARKE, DOUGAN H.

Art Unit

3636

✓	Rejected
=	Allowed

—	(Through numeral) Cancelled
+	Restricted

N	Non-Elected
I	Interference

A	Appeal
O	Objected

Claim		Date											
Final	Original	9/11/07											
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Search Notes

Application/Control No.

10/748,755

Examiner

Winnie Yip

Applicant(s)/Patent under
Reexamination

CLARKE, DOUGAN H.

Art Unit

3636

SEARCHED

Class	Subclass	Date	Examiner
135	28-30 38 90 98 135	9/10/2007	WSY
↓	147 159	↓	↓
211	197	↓	↓
403	170 174 176	↓	↓
↓	217	↓	↓
52	646 656.9	↓	↓

INTERFERENCE SEARCHED

Class	Subclass	Date	Examiner
135	28-29	9/10/2007	WSY
403	170 217	↓	↓
		↓	↓
Text Searched in EAST (printout attached)		↓	↓

**SEARCH NOTES
(INCLUDING SEARCH STRATEGY)**

	DATE	EXMR

APR 03 2009

COPY *fu*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dougan H. Clarke

Serial No.: 10/748,755

Filing Date: December 30, 2003

For: A HUB ASSEMBLY FOR AN UMBRELLA FRAME



Confirmation No. 2743
Customer No. 04219
Yi, Winnie S., Examiner
Group Art Unit 3636

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 18 day of July, 2007.

Respectfully submitted,

MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
(305) 858-8000

By: *Jennie S. Malloy*
Jennie S. Malloy
Reg. No. 37,670

Date: 7/18/07

APR 03 2009

Application No. 10/748,755
Adt. dated July 18, 2007
Reply to Office Action dated April 18, 2007

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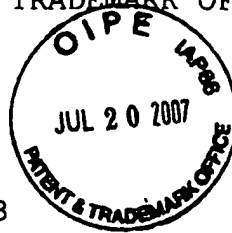
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dougan H. Clarke

Serial No.: 10/748,755

Filing Date: December 30, 2003

For: A HUB ASSEMBLY FOR AN UMBRELLA FRAME



Confirmation No. 2743
Customer No. 04219
Yip, Winnie S., Examiner
Group Art Unit 3636

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
July 18, 2007

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

A M E N D M E N T

Sir:

In response to the outstanding Office Action, wherein at least one claim was allowed, please amend the above-referenced application as follows:

Amendments to the Claims begin on page 2 of this paper.

Amendments to the Drawings begin on page 10 of this paper and include both an attached replacement sheet and an annotated sheet showing changes.

Remarks/Arguments begin on page 11 of this paper.

An Appendix including amended drawing Figures is attached following page 27 of this paper.

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Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of the claims in the application:

1. (Currently Amended) A hub assembly in combination with an umbrella frame having a pole member comprising:

a hub member having a central aperture, said hub member movably mounted on the pole member of the umbrella frame and slidable along a length of the pole member between a bottom end and a top end thereof,

said hub member having an upper portion and a lower portion,

a band secured ~~about~~ to an exterior peripheral surface of said hub member substantially adjacent said upper portion,

and a plurality of brackets disposed in overlying relation to said band and fixedly connected to said hub member, each of said plurality of brackets pivotally connected to an end of a corresponding strut member of the umbrella frame.

2. (Cancelled).
3. (Previously Presented) A hub assembly as recited in claim

13, wherein said channel has a height dimension that is sized to correspond generally with a height dimension of said brackets.

4. (Original) A hub assembly as recited in claim 1 wherein said hub member includes a waist portion, said waist portion being of smaller diameter than said upper and lower portions.
5. (Cancelled).
6. (Cancelled).
7. (Withdrawn) A hub assembly for an umbrella frame comprising:

a hub member having a central aperture sized to receive a pole member of the umbrella frame, said hub member being capable of sliding between a bottom end and a top end of the pole,

said hub member having an upper portion and a lower portion separate from one another,

a ring also having a central aperture also sized to receive the pole member of the umbrella frame and capable of sliding between the bottom end and top end of the pole member, said ring including a first exposed, horizontally oriented surface and a second exposed horizontally oriented

surface,

said upper portion of said hub member being adjacent to said first exposed ring surface and said lower portion of said hub member being adjacent to said second exposed ring surface in an assembled orientation, and

said ring including a plurality of brackets structured to pivotally receive an end of a strut member of the umbrella frame.

8. (Withdrawn) A hub assembly as recited in claim 7 wherein said ring is of a solid, one piece construction and said brackets are pre-formed.
9. (Withdrawn) A hub assembly as recited in claim 8 wherein at least some of said pre-formed brackets of said ring have an interior surface with a generally "U" shape.
10. (Withdrawn) A hub assembly as recited in claim 8 wherein at least some of said pre-formed brackets of said ring have an interior surface with a generally "V" shape.
11. (Withdrawn) A hub assembly as recited in claim 9 wherein said ring includes at least 8 of said pre-formed brackets.
12. (Original) An umbrella frame comprising:

a pole member having a longitudinal axis, a bottom end and a top end, said pole member also having a retaining pin

slot extending therethrough;

a main hub member secured about said central pole member, said main hub member capable of sliding between said bottom and said top ends, said main hub member also capable of rotating about the axis of said pole member,

said main hub member having an upper portion and a lower portion and a band secured about a periphery thereof between said upper and lower portions,

a plurality of brackets secured to said band and hub member to pivotally receive a first end of a strut member of the umbrella frame,

a secondary hub member secured to said pole member near said pole top end, said secondary hub member also capable of rotating about said central pole axis,

a plurality of rib members pivotally secured to said secondary hub member,

a plurality of strut members each having an inner and an outer end, said inner ends being pivotally secured to said main hub member, said outer end of each of said strut members being pivotally secured to a respective one of said rib members,

a pin member extendable within said retaining pin slot

for maintaining said main hub member in position along said pole member, and

means for securing said pin member to said main hub member so as to allow said umbrella frame to rotate freely about said pole member when said pin member is placed within said retaining pin slot.

13. (Currently Amended) A hub assembly for an umbrella frame comprising:

a hub member having a central aperture sized to receive a pole member of the umbrella frame, said hub member being capable of sliding between a bottom end and a top end of the pole member,

said hub member having an upper portion and a lower portion,

a band secured to said hub member about a periphery ~~thereof of said hub member~~ between said upper and lower portions,

~~a plurality of brackets secured to said band and hub member which are structured to pivotally receive an end of a strut member of the umbrella frame, and~~

a channel formed generally in said upper portion, said channel being defined by at least a lower ledge extending

about a periphery of said hub member, and wherein said band is secured to said hub member about said channel[[.]], and a plurality of brackets disposed within said channel in overlying relation to said band and fixedly secured to said hub member, wherein said brackets are structured to pivotally receive an end of a strut member of the umbrella frame.

14. (Currently Amended) A hub assembly in combination with an umbrella frame having a pole member comprising:

a hub member having a central aperture sized to receive the pole member of the umbrella frame,

said hub member movably mounted on the pole member and slidable along a length thereof between a bottom end and a top end thereof,

said hub member having an upper portion and a lower portion,

a channel continuously disposed on said hub member and extending about an exterior peripheral surface thereof,

a plurality of brackets disposed within said channel and fixedly connected to said hub member so as to prevent rotational movement of said brackets, and

said plurality of brackets pivotally connected to end

portions of a plurality of strut members of the umbrella frame.

15. (Previously Presented) A hub assembly as recited in claim 14 wherein said plurality of brackets are fixedly disposed within said channel in spaced relation to one another.
16. (Previously Presented) A hub assembly as recited in claim 14 further comprising a band disposed within and extending along a length of said channel.
17. (Previously Presented) A hub assembly as recited in claim 16 wherein said plurality of brackets are connected to said band and collectively extend about an exterior periphery of said hub member.
18. (Previously Presented) A hub assembly as recited in claim 14 wherein said channel is formed in and at least partially defines an exterior peripheral surface of said hub member.
19. (Previously Presented) A hub assembly as recited in claim 18 wherein said channel is formed adjacent said upper portion of said hub member and is at least partially defined by a lower ledge extending along a length of said channel.
20. (Previously Presented) A hub assembly as recited in claim 19 wherein said lower ledge extends continuously along a

length of said channel.

21. (Previously Presented) A hub assembly as recited in claim 20 further comprising an upper ledge disposed in spaced relation to said lower ledge and extending continuously along a length of said channel.
22. (Previously Presented) A hub assembly as recited in claim 21 wherein said plurality of brackets are dimensioned and configured to be fixedly secured to said hub member within said channel and between said lower and upper ledges.
23. (New) A hub assembly as recited in claim 1 wherein said band comprises a substantially flat configuration.
24. (New) A hub assembly as recited in claim 23 wherein said band further comprises a metallic material.
25. (New) A hub assembly as recited in claim 23 wherein said band further comprises plastic.
26. (New) A hub assembly as recited in claim 1 wherein said band is fixedly secured to said exterior peripheral surface of said hub member.
27. (New) A hub assembly as recited in claim 1 wherein said band comprises a metallic material.
28. (New) A hub assembly as recited in claim 1 wherein said band comprises plastic.

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Amendments to the Drawings

Included with this Amendment are two (2) replacement sheets collectively comprising Figures 2 and 3B. These two (2) replacement sheets shall replace the corresponding previously submitted sheets which also collectively comprise Figures 2 and 3B. In addition, two (2) annotated sheets showing the amendments to the drawings are included for reference.

Attachment: 2 Replacement Sheets
 2 Annotated Sheet Showing Changes

REMARKS / ARGUMENTS

This Amendment is submitted in full response to the Office Action dated April 18, 2007, wherein claims 1 and 4-5 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,314,976 to Clarke ("Clarke"); claims 1, 3-6, and 13-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,834,126 to Sweet, Jr. ("Sweet, Jr."); and claims 1, 3-6, and 13-22 further stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,615,697 to Lin et al. ("Lin"). Moreover, claim 12 remains allowed, as was also previously identified in the Office Action dated August 10, 2006. In addition, Examiner has objected to Applicant's drawings under 37 C.F.R. §§1.83(a) and 1.84(h)(1).

As identified herein, Applicant has amended independent claims 1, 13, and 14, cancelled claims 5 and 6, and added new dependent claims 23-28. Further, Applicant has amended the drawings as evidenced by the two (2) replacement sheets and two (2) annotated sheets submitted concurrently herewith.

As explained hereunder, the outstanding rejections of the claims based on the cited prior art as applied by the U.S. Patent & Trademark Office ("PTO") are hereby traversed in full.

In view of the foregoing amendments to the claims and the following remarks, Applicant respectfully requests the PTO's conscientious reconsideration of the same.

A. Objections to the Drawings.

1. Objections to the Drawings Under 37 C.F.R. §1.83(a)

As set forth in the outstanding Office Action, the PTO objected to the drawings as failing to comply with 37 C.F.R. §1.83(a) because Figure 3B fails to show the split/separated main hub member including "both the waist 13 and a channel 30," the channel 30 being positioned between the top and bottom ledges 32, 34 as described in Applicant's specification. Accordingly, Figure 3B, as presented in the attached Replacement Sheets, has been amended herein to include reference character 30, illustrating the channel being disposed between upper portion 12 and lower portion 14. In addition, Figure 3B, as presented in the attached Replacement Sheets has been amended to further include reference character 10, illustrating the hub member as shown therein. Furthermore, as also presented in the attached Replacement Sheets, Figure 3B has also been amended herein to more accurately reference the waist 13.

2. Objections to the Drawings Under 37 C.F.R. §1.84(h)(1)

As set forth above, the PTO further objected to the drawings under 37 C.F.R. §1.84(h)(1) because of the exploded view in Fig. 2 where the separate parts within the same figure should be embraced by a bracket or a linking line in order to show the relationship or order of assembly between elements of the bracket 40 and channel 30. Accordingly, Fig. 2, as presented in the attached Replacement Sheets, has been amended herein to include a lead line to designate the relationship of the bracket 40 and the main hub member 10 and/or the channel 30 thereof.

B. Examiner Interview.

Applicant would like to thank the Examiner for the telephone interview conducted on May 16, 2007 with the Applicant's attorney. It is respectfully noted that matters discussed therein included the outstanding Office Action dated April 18, 2007, and the cited references to Clarke, Sweet, Jr., and Lin, as applied to Applicant's pending claims previously presented in the Amendment dated December 11, 2006. Specifically, the Examiner's identification of a "band" in the references to Clarke, Sweet, Jr., and Lin were addressed.

Furthermore, it is respectfully submitted that Applicant does not completely agree with Examiner's portrayal of a discussion directed to "how the brackets are secured to the band and the hub," as stated in Examiner's Interview Summary dated May 22, 2007. As discussed in detail herein, Applicant has, however, amended the claims to more particularly point out Applicant's novel invention. Specifically, as will be discussed below, Applicant has amended the claims herein to recite a plurality of brackets disposed in an overlying relation to a band and/or the brackets being fixedly connected to the hub member.

C. Legal Issues Involved with 35 U.S.C. §102.

Before reviewing the substantive issues with regard to the rejection of the claims under 35 U.S.C. §102, the Applicant respectfully points out the well established requirement that:

[f]or a prior art reference to anticipate in terms of 35 U.S.C. §102, **every** element of the claimed invention must be **identically** shown in a single reference. Diversitech Corp. v. Century Steps, Inc., 7 USPQ2d 1315, 1317 (Fed. Cir. 1988) (emphasis added).

Moreover, this burden on the U.S. PTO is further compounded by the fact that the Federal Circuit has stated that within the single reference:

[t]he identical invention must be shown in as complete

detail as is contained in the patent claim.
Richardson v. Suzuki Motor Co. Ltd., 9 USPQ2d 1913,
1920 (Fed. Cir. 1989).

And, more recently, the Federal Circuit has further expanded
this principle to include that:

[a]n anticipating reference must describe the patented
subject matter with sufficient clarity and detail to
establish that the subject matter existed in the prior
art and that such existence would be recognized by
persons of ordinary skill in the field of the
invention. Crown Operations Int'l, Ltd. v. Solutia
Inc., 289 F.3d 1367, 62 USPQ2d 1917, 1921 (Fed. Cir.
2002).

As such, if an Applicant can establish that at least one claimed
element is not present or is not identically disclosed in
complete detail in the prior art reference put forth by the PTO,
the grounds for rejection pursuant to 35 U.S.C. §102 of each
claim comprising that element have been overcome.

D. 35 U.S.C. §102 Claim Rejections Based Upon Clarke.

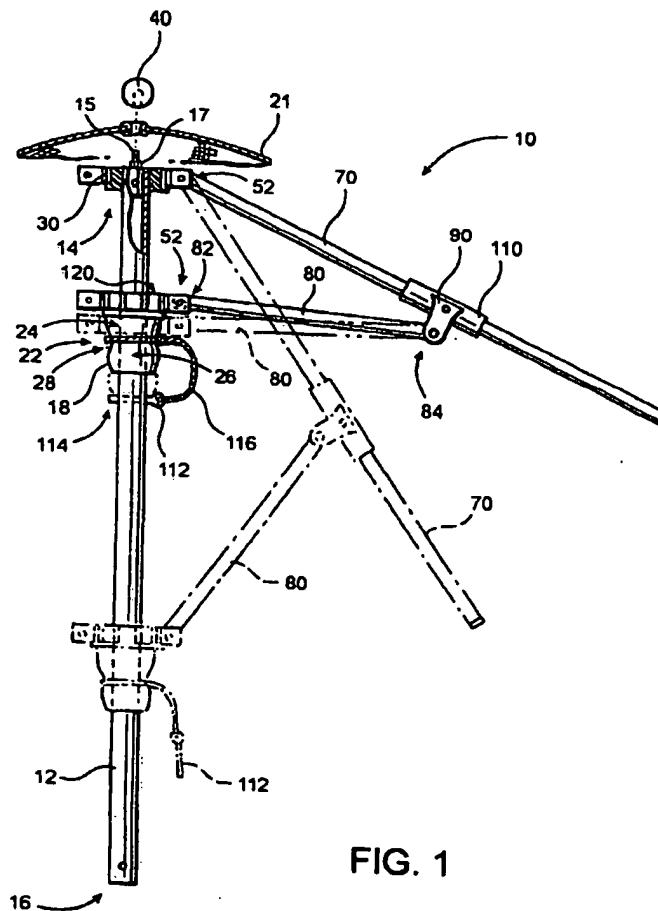
As set forth above, previously presented claims 1 and 4-5
stand rejected under 35 U.S.C. §102(b) as being anticipated by
Clarke, based, in part, on the Examiner's position that Clarke
shows and teaches an umbrella frame comprising, among other
elements, a band (116) secured about the channel substantially
adjacent the upper portion, and the band providing means for
securing pin member (112) to a retaining pin slot formed on the

pole.

Applicant notes, however, that as shown in Figure 1, reproduced below, Clarke discloses a "looped line" (116) which maintains a retaining pin (112) around the waist portion (28).

Specifically, Clarke states at col. 4, lines 48-51, that:

As shown in FIGS. 1 and 2, the pin 112 is maintained around the waist portion 28 of the main hub member by a looped line 116 which allows the main hub member to rotate without binding the line.



Independent claim 1 has been amended herein to more particularly point out Applicant's novel invention of the present application. More in particular, independent claim 1 as amended herein now recites a plurality of brackets "disposed in overlying relation to said band." Applicant notes that the cited reference to Clarke does not disclose, teach, or even merely suggest a plurality of brackets disposed in overlying relation to a band. As stated above, Clarke discloses a "looped line" (116) around the waist portion (28) which as shown in the drawings, has at its other end a separate structure, namely, a retaining pin (112) that is inserted into a pin retaining slot (114) on the umbrella pole (12). Consequently, the looped line (116) disclosed in Clarke merely allows for the main hub member (18) to rotate without binding the line (116). Further, Clarke also discloses hub connector joints (52) which are insertable within hub member slots (42) and may be secured therein. See Clarke, col. 3, lines 27-29. Accordingly, even if, as the Examiner contends, the "looped line" (116) disclosed in Clarke corresponds to a band secured to an exterior peripheral surface of the hub member, as disclosed and claimed in the present application, a position with which Applicant does not agree, it

cannot be said that Clarke discloses a plurality of brackets disposed in overlying relation to the band, as now recited in currently amended independent claim 1.

Therefore, for the reasons described in detail above, the cited reference to Clarke does not specifically disclose or even remotely suggest at least one specific structural feature of Applicant's invention as now defined in the claims presented in this application by virtue of this amendment. As indicated above, if an Applicant can establish that at least one claimed element is not present or is not identically disclosed in complete detail in the prior art reference, the grounds for rejection pursuant to 35 U.S.C. §102 has been overcome. Accordingly, Clarke cannot be relied upon as an anticipatory §102(b) reference relative to independent claim 1, as currently amended herein. As such, for at least the above reasons, claims 1 and 4, as well as claims 23-28, being dependent upon claim 1, overcome the teachings of Clarke.

E. 35 U.S.C. §102 Claim Rejections Based Upon Sweet, Jr.

As set forth above, claims 1, 3-6, and 13-22 stand rejected under 35 U.S.C. §102(b) as being anticipated by Sweet, Jr., based, in part, on the Examiner's position that Sweet, Jr. shows

and teaches an umbrella frame comprising, among other elements, a band (51) secured about the channel, and a plurality of brackets (38) secured to the band about the channel and the hub member in spaced relation to one another, and the bracket pivotally connected to ends of corresponding strut members (26).

It is noted that the specific teachings of Sweet, Jr., which are perhaps best illustrated in Figures 2, 4, and 5, reproduced below, are for an umbrella having a variety of relatively complex moving parts to facilitate opening and closing of the frame.

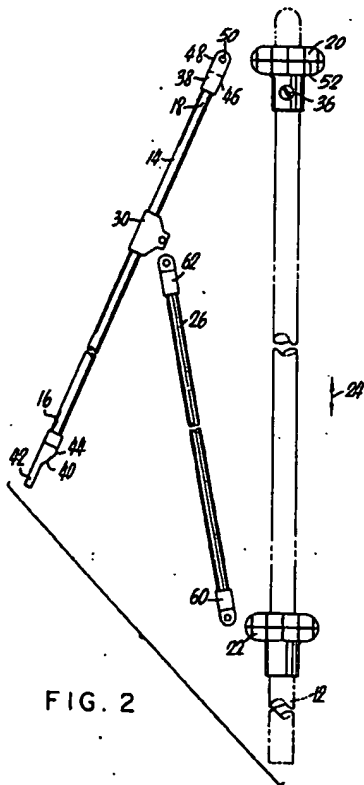


FIG. 2

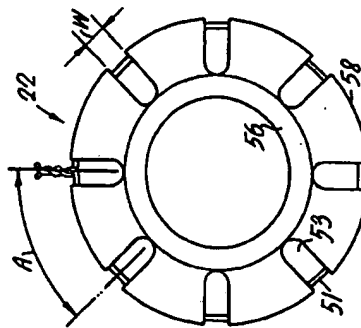


FIG. 4

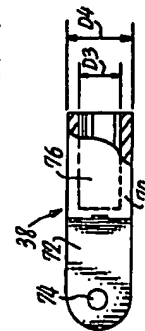


FIG. 5

In particular, Sweet, Jr. includes cap members or fixtures (38, 60, and 62) which fit to the proximal and distal extremities of the respective struts (26) and/or ribs (14). See Sweet, Jr., Col. 5, Lines 29-33, 65-68. The fixtures (38, 60, and 62) each include a flattened portion (48, 72) including an eyelet or opening (50, 74) with respect to which pivotal coupling or connection may be made. *Id.* at Col. 5, Line 68 - Col. 6, Line 4. Specifically, as can be seen in Figures 4 and 5, Sweet, Jr. includes a wire (51) which passes through the opening (74) on the cap members or fixtures (38 and 60), to create a pivotal relationship therewith. Furthermore, Sweet, Jr. includes accommodating radial slots (53) which receive the capped and eyeleted ends or fixtures and allow for their pivotal movement.

In stark contrast, however, the present invention as recited in currently amended independent claim 1, as well as independent claims 13 and 14, as amended herein, include a plurality of brackets fixedly connected to the hub member. As such, the brackets, as disclosed and claimed in the present invention, do not pivot or move relative to the hub member as disclosed in the cited reference to Sweet, Jr.

In addition, independent claims 1 and 13, as amended herein, include brackets disposed in overlying relation to the band. Conversely, however, the wire (51) in Sweet, Jr. is disposed through the eyelet or opening (74) of the cap members (38 and 60), to provide a pivotal relationship therewith. Accordingly, it cannot be said that Sweet, Jr. discloses, teaches, or suggests a plurality of brackets disposed in overlying relation to a band.

Therefore, for the reasons described in detail above, the cited reference to Sweet, Jr. does not specifically disclose or even remotely suggest specific structural features of Applicant's invention as now defined in the claims presented in this application by virtue of this amendment. As such, Sweet, Jr. cannot be relied upon as an anticipatory 102(b) reference relative to independent claims 1, 13, or 14. Accordingly, for at least the above reasons, independent claims 1, 13, and 14, as well as dependent claims 3, 4, 15-22, and newly added claims 23-28 overcome the teachings of the cited reference to Sweet, Jr.

F. 35 U.S.C. §102 Claim Rejections Based Upon Lin.

As set forth above, claims 1, 3-6, and 13-22 further stand rejected under 35 U.S.C. §102(b) as being anticipated by Lin, based, in part, on the Examiner's position that Lin teaches a hub assembly in combination with an umbrella frame having, among other elements, a band (341) being disposed in a channel (411), and a plurality of bracket members (43a) secured to the band and the hub member, and the bracket members (43a) having holes (434) for pivotally connecting an end of the corresponding strut member (20), and the lower portion of the hub member having a waist portion (42) having a smaller diameter.

Applicant respectfully notes that Lin is directed to a pocketable folding umbrella with foldably sandwiched ribs, having a number of complex structural components. Specifically, and as can be seen in Figures 1 and 6, reproduced below, Lin discloses at col. 4, lines 10-13:

a pivot 441 formed as a loop wound in an annular groove 411 recessed in the lower slim plate 41 for universally pivotally securing a stretcher rib 22 of each extremity rib means 2.

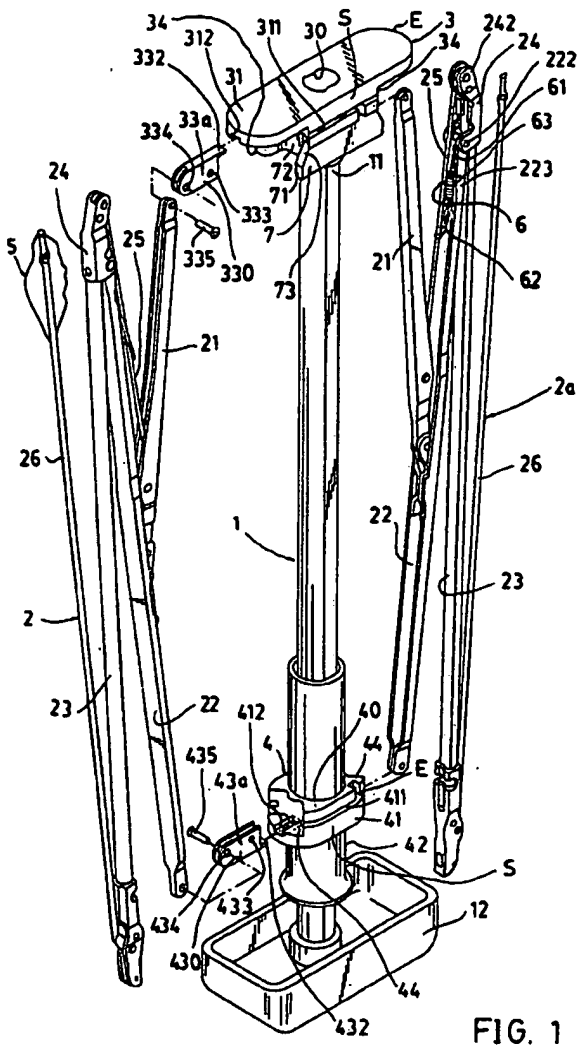


FIG. 1

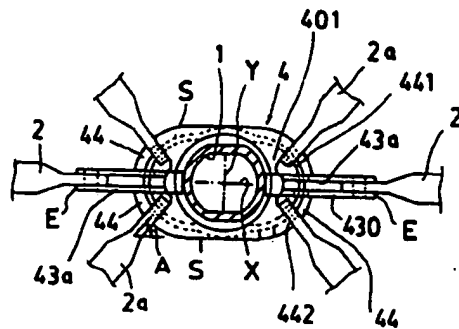


FIG. 6

In stark contrast, however, the present invention is directed to a hub assembly which, as recited in currently amended claims 1 and 13, includes a band secured to an external peripheral surface of the hub member. It can be appreciated that the band achieves the purpose of embracing at least a

portion of the hub member, thereby maintaining or increasing the structural integrity, and thus the longevity, of the hub member. Lin, however, does not teach a band secured to an external peripheral surface of the hub member, as disclosed in the present application and recited in currently amended claims 1 and 13. Rather, as above, the pivot (441) in Lin is a loop wound in an annular groove (411).

Additionally, even if Lin does teach a band secured to an exterior peripheral surface of a hub member, a position with which Applicant disagrees, Lin does not disclose a plurality of brackets disposed in overlying relation to a band, as now recited in currently amended independent claims 1 and 13. Instead, however, each pivoting means (33a, 43a) disclosed in Lin includes, among other elements, an inner pivot hole (333) formed in an inner portion of the pivoting means (33a, 43a) for passing a pivot (341, 441). See e.g., Lin, Col. 3, Lines 39-46. Accordingly, the pivot (341, 441) disclosed in Lin is structured to pass through a pivot hole in each pivoting means (33a, 43a). Thus it cannot be said that the pivoting means (33a, 43a), or any other portion of Lin, is disposed in an overlying relation to a band.

Furthermore, Lin also does not disclose a channel continuously disposed on said hub member and extending about an exterior peripheral surface thereof, as recited in independent claim 14 herein. In particular, the Examiner asserts that Lin includes a channel (411); however, as best shown in Figure 1, the annular groove (411) is not continuously disposed on a hub. Rather, the structure disclosed in Lin includes an opening near each extremity portion (E) at least partially defined by an outer retarding portion (442) protruding sidewardly from a central portion (401) (see Figures 6 and 7), wherein the groove (411) does not extend to. (The opening can also be seen in Figure 1 at or near the runner biasing means (44)). Thus, the annular groove (411) is not continuously disposed about an exterior periphery of the structure disclosed in Lin.

Along the same lines, Lin also does not disclose a plurality of brackets disposed within the channel and fixedly connected to the hub member, as recited in claims 13 and 14 of the present application. More in particular, as stated above, the annular groove (411) does not extend continuously about the periphery of the hub, nor does it extend to the portions where the pivoting means (43a) connects thereto. Accordingly, the

pivoting means (43a) cannot be disposed [^]within the annular groove (411).

Therefore, for the reasons described in detail above, the cited reference to Lin does not specifically disclose or even remotely suggest specific structural features of Applicant's invention as now defined in the claims presented in this application by virtue of this amendment. Furthermore, as identified above, if an Applicant can establish that at least one claimed element is not present or is not identically disclosed in complete detail in the prior art reference, the grounds for rejection pursuant to 35 U.S.C. §102 has been overcome. Thus, independent claims 1, 13, and 14, as well as dependent claims 3, 4, 15-22, and newly added claims 23-28 overcome the teachings of Lin.

G. Conclusion

Based on the foregoing remarks, as well as the above amendments to the claims, it is respectfully requested that this application be given full and favorable reconsideration. It is believed that upon doing so, this application should be deemed to now be in condition for allowance, which action is also respectfully requested.

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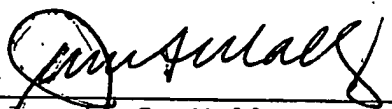
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In the event that any additional fee may be required by the filing of this paper, the Commissioner is hereby authorized to charge any fees and/or credits to our **Deposit Account No. 13-1227.**

Respectfully Submitted,

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Date:

7/18/2007

APPENDIX

APR 03 2009



Application No. 10/748,755
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Annotated Sheet Showing Changes

2/6

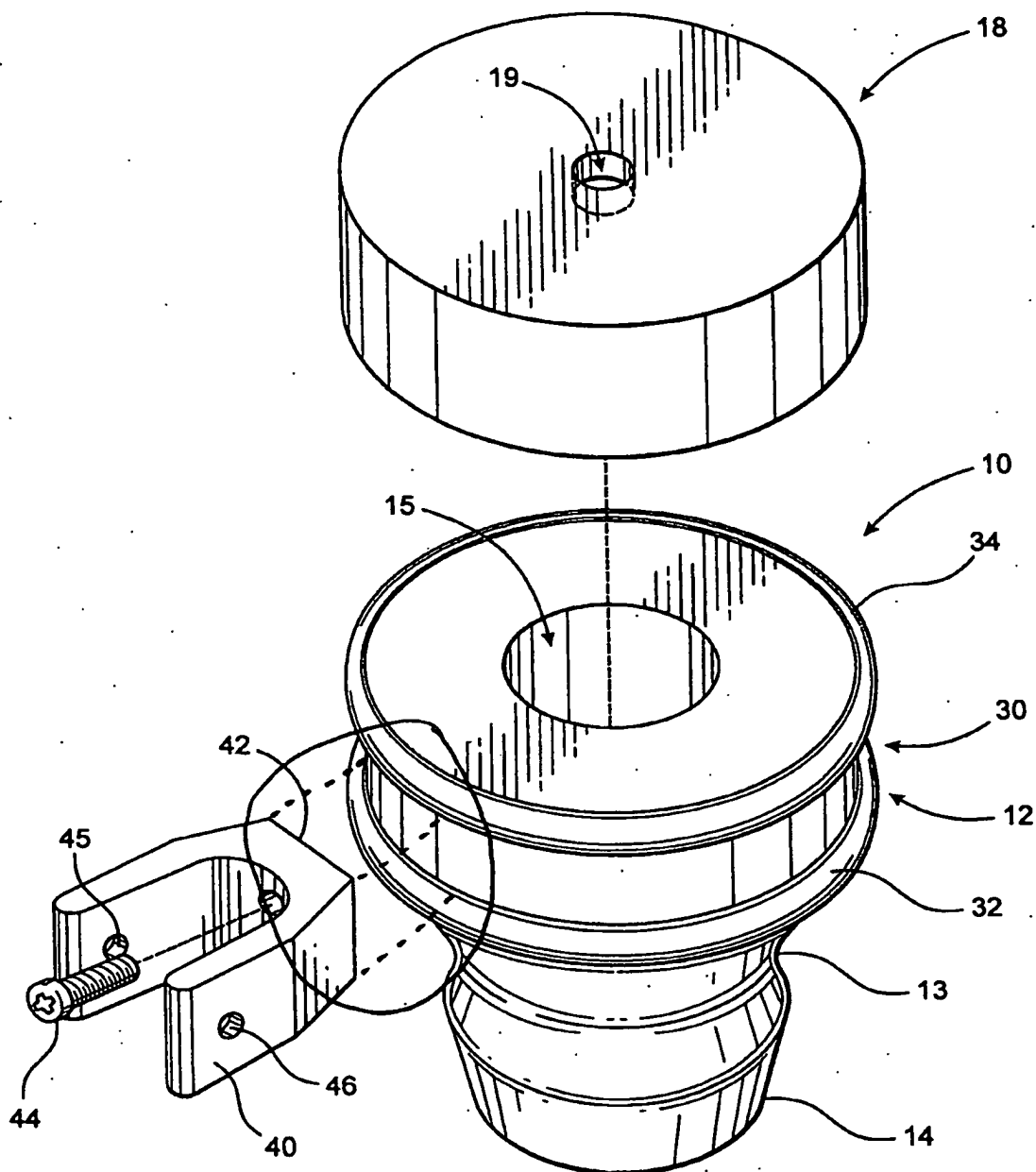


FIG. 2

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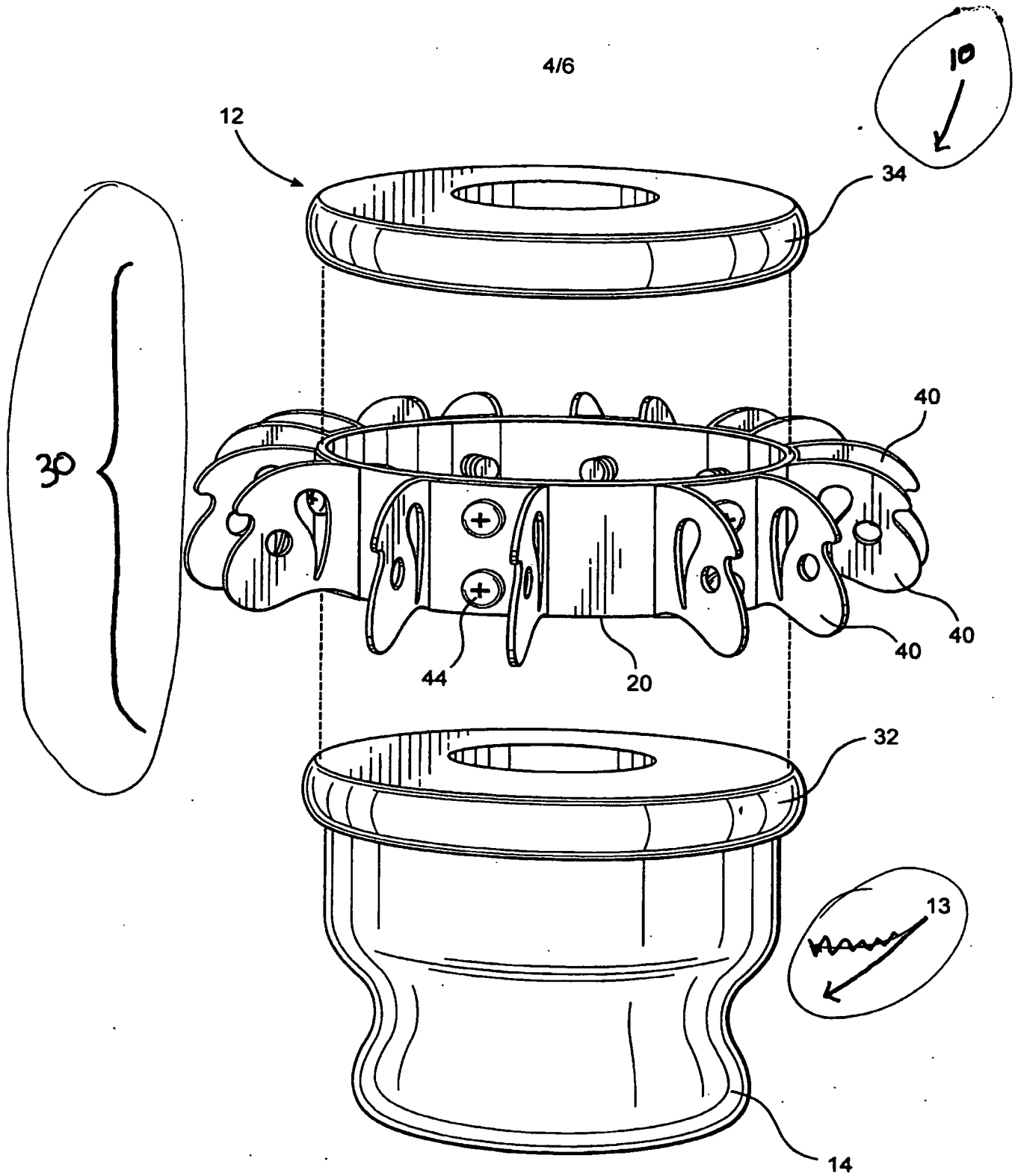


FIG. 3B

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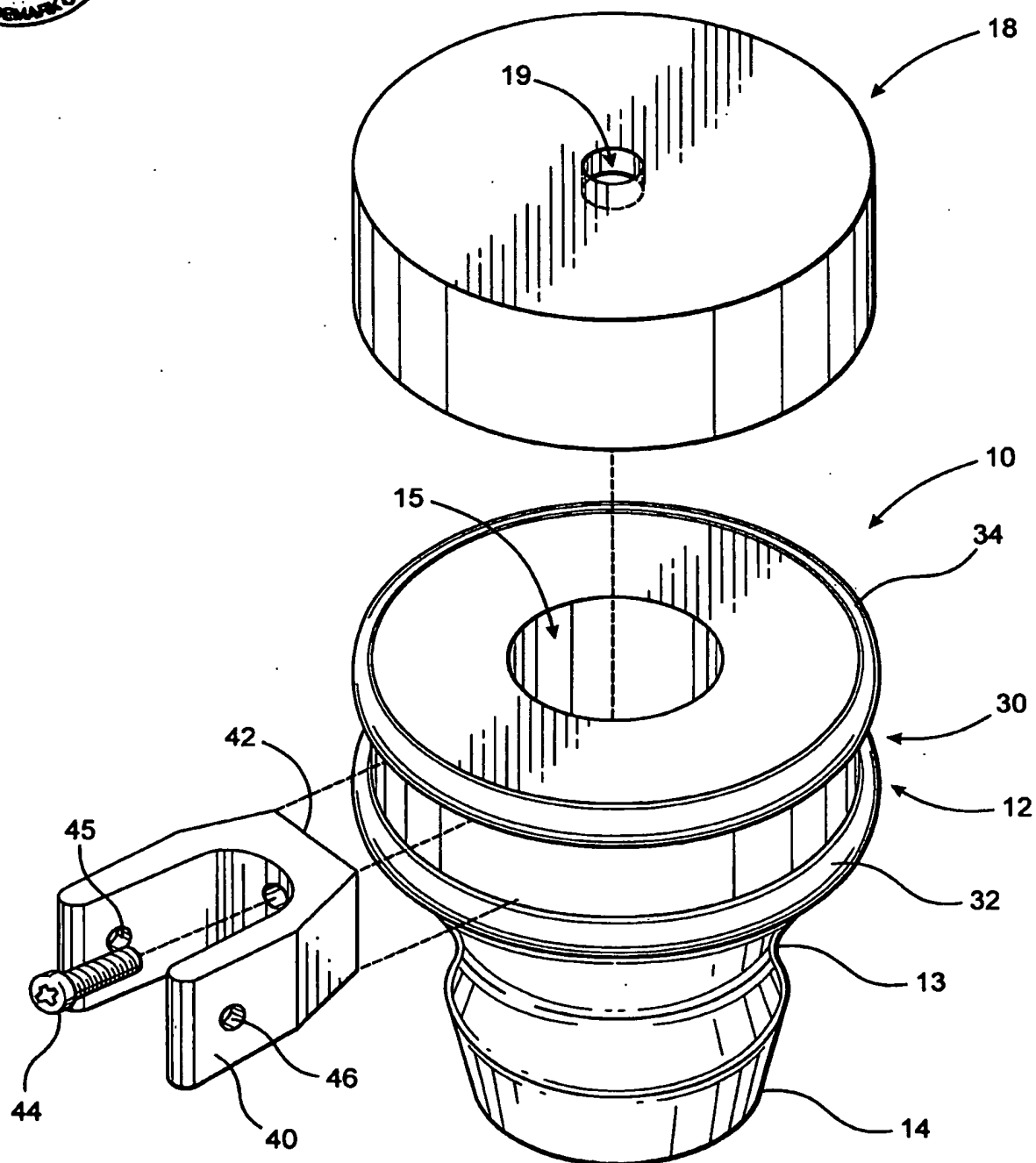


FIG. 2

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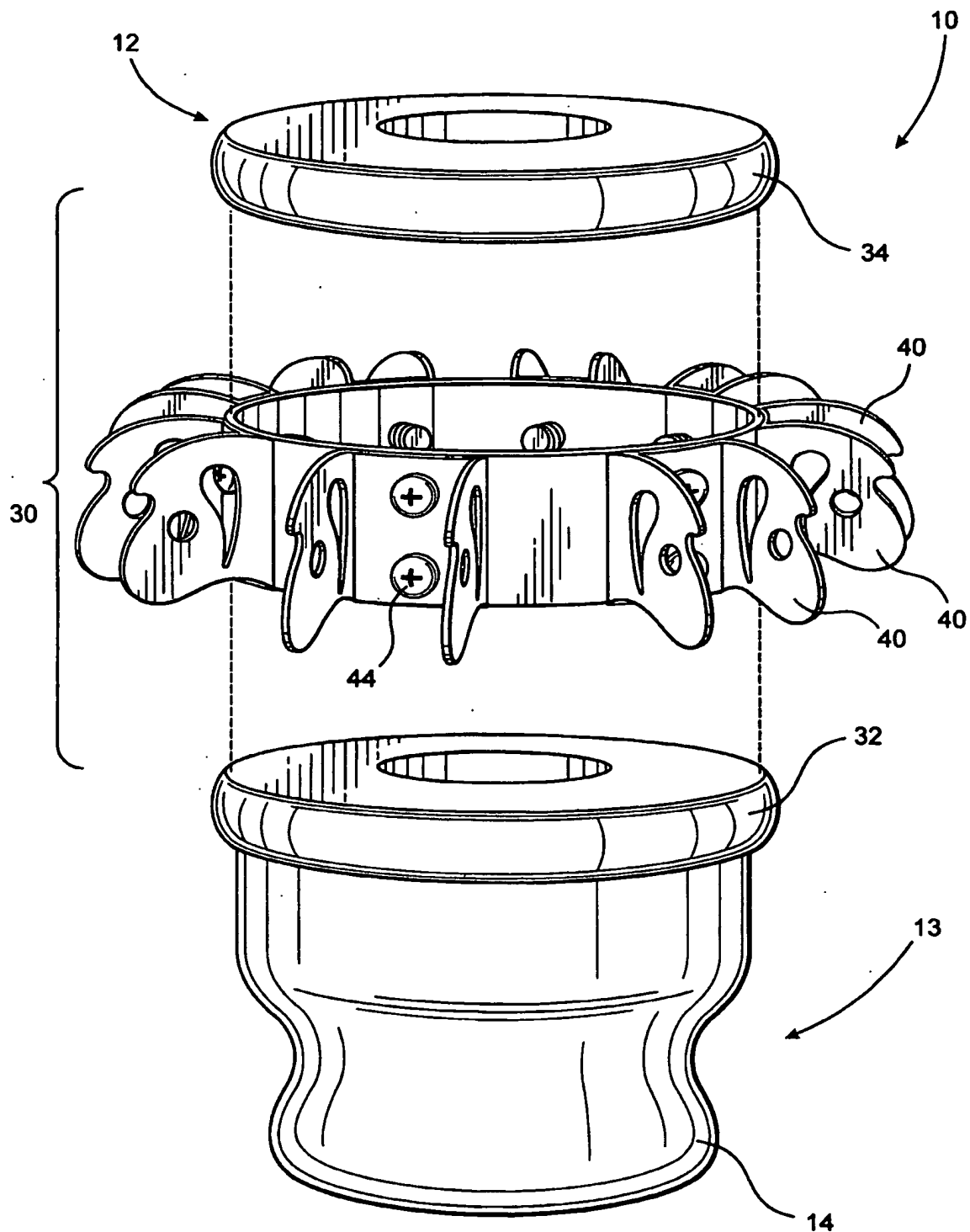


FIG. 3B

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